

02/26/2009

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hendrik et al.

Appl. No.: 10/749,085

Group: 3635

Filed: 12/30/2003

Examiner: Y. M. Horton

For: CEILING TILE

REQUEST FOR RECONSIDERATION

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicants have carefully reviewed and considered the final rejection of the claims as set forth in the Office Action of 1 October 2008 and request reconsideration of the patentability of the present invention based upon the following comments.

**I. THE REJECTION OF CLAIMS 1, 2, 4, 14-17, 19 AND 29-32 UNDER
35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER A COMBINATION OF U.S.
PATENT 3,886,706 TO BAKER WITH U.S. PATENT 5,832,685 TO HERMANSON**

In formulating the current rejection, the Examiner justifies the combination of the Baker and Hermanson references by stating on page 3 of the office action:

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the system in Baker as a suspended ceiling system because, as noted, Baker discloses that the

system can be used in a ceiling, and suspended ceiling systems such as the one in Hermanson are well known in the art.

As support for the proposition that Baker discloses a ceiling system, the Examiner references column 5 lines 1-4 of the Baker document.

The paragraph bridging columns 4 and 5 of the Baker reference reads as follows:

The panel sandwiches of the invention are useful as inside walls, in which case two facing panels are needed, or on outside walls, floors, or roofing panels, in which case two facing panels can be used, but one is sufficient. The sandwiches are easily attached at their ends to the ceiling and to the floor, in the case of inside walls. They can be attached to supporting beams in the roof, floor, and outside walls, in the same manner as the facing panels are attached to the supporting frame. (Emphasis Added).

It is respectfully suggested that the examiner has misinterpreted and now mischaracterizes the Baker reference. The paragraph in question specifically recites that the panels may be used as inside walls, outside walls, floors and roofing panels. It absolutely and positively does not in any way state that the panels may be used in a ceiling. In fact, column 5, lines 1-4 explicitly refers to inside walls that are attached at the bottom to the floor and at the top to the ceiling. These lines absolutely fail in any way to teach or suggest use of the Baker panels in a ceiling as suggested by the Examiner. Thus, the Examiner's contention that, "Baker discloses that the system can be used in a ceiling" is simply wrong. Accordingly, the Examiner has presented no justification of record for combining Baker with Hermanson and the rejection is therefore improper and should be withdrawn.

**II. THE REJECTION OF CLAIMS 3, 5, 6, 13, 18, 20, 21 AND 28 UNDER
35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER A COMBINATION OF THE
BAKER AND HERMANSON REFERENCES WITH U.S. PATENT 4,272,804 TO BLUM**

As noted above, the Examiner has failed to provide any motivation for combining the primary reference to Baker with the secondary reference to Hermanson. The primary

reference to Baker simply does not relate to ceilings much less conventional suspended ceiling tile grid systems and the additional reference to Blum does not address this shortcoming. Accordingly, these claims patentably distinguish over this art and should be allowed.

III. THE REJECTION OF CLAIMS 7 AND 22 UNDER 35 U.S.C. §103 (a) AS BEING UNPATENTABLE OVER A COMBINATION OF THE BAKER, HERMANSON AND BLUM REFERENCES WHEN CONSIDERED WITH U.S. PATENT 7,062,886 TO AURIEMMA

Once again, it is noted that the primary reference to Baker does not relate to ceilings and certainly does not relate in any way to a conventional suspended ceiling grid system. The Examiner has failed to provide any basis for combining the primary reference to Baker with the other secondary references and, accordingly, the rejection of claims 7 and 22 is improper and should be withdrawn.

IV. THE REJECTION OF CLAIMS 8, 9, 23 AND 24 UNDER 35 U.S.C. §103(a) BASED UPON THE BAKER, HERMANSON AND BLUM REFERENCES WHEN CONSIDERED WITH PUBLISHED U.S. APPLICATION 2003/0145532 TO KOWNACKI ET AL.

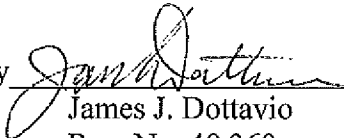
As previously indicated, the Baker reference does not relate to the ceiling art much less the conventional suspended ceiling grid system art. The Examiner has also failed to provide any motivation that would lead one skilled in the art to combine Baker with at least the Hermanson reference. Accordingly, this rejection of claims 8, 9, 23 and 24 is improper and should be withdrawn.

V. CONCLUSION

In summary, all of the pending claims patentably distinguish over the prior art and should be formally allowed. Upon careful review and reconsideration it is believed that the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

Applicants authorize any fees required pertaining to this response, including any extensions of time, be charged to Deposit Account 50-0568.

Respectfully submitted,
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